IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

M/s.Anita Cements (P) Ltd. Behror Vs. Raj. Financial Corporation Udyog Bhawan
(SB Civil Writ Petition No.3077/1999)

SB Civil Writ Petition under Article
226 & 227 of the Constitution of India.

Date of order: November 29, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. Rajendra Arora, for the petitioner.

Mr. P.S.Arya, for the respondent.

BY THE COURT:

Challenge in the instant writ petition is to the act of respondent in declining the request of the petitioner to settle at 80% of the principal outstanding amount.

2. Having heard the submissions and on careful scrutiny of the material on record, I notice that the State Level Empowered Settlement Committee in its meeting held on February 18, 1999 decided to settle the account for consideration of Rs.33.14 lacs i.e. the amount outstanding as on April 1, 1998. The request of the petitioner to pay this amount in 4 equal monthly instalments payable from March to June,1999 was allowed by the Committee. It was also held that if the amount is paid by June,1999 the Corporation will not charge any interest. It was also held that the amount paid by the unit after April 1, 1998 will be appropriated against the settlement amount. In view of this decision of the State Level Empowered

Settlement Committee, I do not see any discriminatory treatment with the petitioner by the respondent. Since the petitioner entered into an agreement with the respondent, it is estopped from calling in question the act of the respondent in settling at 80% of the principal amount, which is outstanding against the petitioner.

3. For these reasons, the writ petition being devoid of merit stands dismissed. The amount that was stayed by the interim order of this court, shall be paid by the petitioner within three months. No interest shall be charged on this amount. There shall be no order as to costs.

(Shiv Kumar Sharma),J.

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